

Local Discussions Related to Disproportionate Minority Contact

**Iowa Department of Human Rights
Division of Criminal and Juvenile Justice Planning (CJJP)
Report to Polk County Officials**

May 2013

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Section I - Background

The Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning (CJJP) provides state oversight for Iowa's administration of the federal Juvenile Justice and Delinquency Prevention Act (JJDP Act). A key requirement of the JJDP Act relates to Disproportionate Minority Contact (DMC) of youth in Iowa's juvenile justice system. Minority youth are overrepresented, in Iowa and nationally, at a variety of juvenile justice system decision-making points. Federal officials provide a description of the JJDP Act's [DMC core requirement](#) and the relevant usage of the term "disproportionate" on their website. CJJP, its Juvenile Justice Advisory Council (JJAC), and the State DMC Subcommittee are offering specific technical assistance to reduce DMC in Polk County. CJJP, directly or through contract providers, has provided similar technical assistance to Black Hawk, Johnson, Polk, and Woodbury Counties for a number of years.

CJJP carries out research, policy analysis, program development, and data analysis activities to assist policy makers, criminal and juvenile justice system agencies, and others to identify issues of concern and to improve the operation and effectiveness of the justice and juvenile justice systems. In recent years CJJP has initiated activity specific to the school discipline process as a result of recommendations from a 2009 study committee, the Governor's Youth Race and Detention Task Force.

Section II - Report Composition

A number of persons were interviewed in the preparation of this report (see Attachment A). Local interviewees were asked about their perceptions of issues and activities related to DMC, and potential avenues for technical assistance by CJJP. This report is a summary of those discussions and an identification of a number of major efforts. Within the various major efforts are identified issues/activities, relevant data, challenges, and CJJP recommendations.

CJJP was afforded every courtesy as interviews were being scheduled and conducted and community officials and citizens willingly gave of their time for interviews. All persons were open, forthcoming, and genuinely interested regarding how to influence DMC. Their assistance with the interviews and commitment to DMC are noteworthy and appreciated.

Local Groups

Throughout the interview process a variety of local groups were identified that have involvement or activities related directly to DMC. The below groups are not a comprehensive list of relevant local DMC related groups, nor does this report seek to explain the various activities and goals of the listed groups. The groups are listed here as potential discussion entities related to the recommendations or other information provided in this report, or were referenced in local discussions for their specific DMC-related contributions in the community. Other local groups can and will be added to the distribution list for this report as requested locally.

African-American Leadership Forum	JDAI ¹ Steering Committee
Breakthrough Series Collaboration	Polk County Decat
Community Partnership for Protecting Children	Citizens United to Combat Racism
Polk County Criminal Justice Council	A Mid-Iowa Organizing Strategy
Des Moines' Black Ministerial Alliance	

¹ Juvenile Detention Alternatives Initiative, a program of the Annie E. Casey Foundation.

Census Data

Most of the data provided in this report are aggregated by race/ethnicity. As a reference, CJJP is providing youth census data for Polk County in Figure 1.

Figure 1
Census Data - Polk County Youth - Ages 10-17

	Total Youth Population	Caucasian	African-American	Hispanic	Asian	Native American	Total Minority Population
Number	47,059	35,035	4,558	5,299	2,003	164	12,024
Percentage*		74%	10%	11%	4%	1%	26%

Source: 2011 National Criminal Justice Reference Service Data

Section III – Juvenile Detention

Identified Issue/Activity

The Governor's Youth Race and Detention Task Force (YRDTF) met from 2007 to 2009 to study the overrepresentation of minority youth in juvenile detention and the overall high numbers of youth in such settings for misdemeanor-level offenses. The YRDTF issued recommendations through a [series of reports](#) which is available on CJJP's website. The activities of the YRDTF prompted an increased interest in juvenile detention, and the work of the group contributed to state-level reductions in detention holds. One of the products of the YRDTF was the Iowa Juvenile Detention Screening Tool (DST). A volume of national research reflects the utilization of a risk-based DST as a cornerstone of detention reform. Detention screening is one of a small number of local policy activities that have produced the most consistent and sustained reductions in minority overrepresentation. Polk County has been utilizing the Iowa DST at detention intake since 2009.

Just as critical, there is significant legal precedent relating to the importance of due process provisions for youth deprived of constitutional freedoms through placement in locked juvenile detention settings (see Attachment B). Iowa's Juvenile Justice Advisory Council, its Task Force for Young Women, its DMC Subcommittee, and a number of other Governor-appointed Commissions within the Iowa Department of Human Rights (Human Rights Board, Status of African Americans, Status of Latino Affairs, Native Americans, Asian and Pacific Islanders, Persons with Disabilities, and Deaf Services) have submitted written positions supporting utilization of a single, state-level detention screening tool to ensure due process protections for detained youth.

It must be noted that detention decision making practice varies across Iowa.

- JCS offices in some jurisdictions, such as Polk County, have staff available for 24 hour intake. In jurisdictions without 24 hour intake, law enforcement and county detention facility staff may have a more specified role in detention decisions during non-court hours (nights, weekends, and holidays).
- Multiple parties may be directly involved with and/or influence decision making including law enforcement, county juvenile detention facility staff, JCS, judges, county attorneys, and defense attorneys. The level of involvement may vary depending upon the presenting reason for detention (new offense, probation violation, dispositional hold).
- Youth who have committed new offenses must have a detention hearing within 24 hours of admission to such a setting.
- Holds are typically pre-dispositional in nature; however, juvenile court judges can also dispose delinquent youth who violate delinquency orders to juvenile detention facilities for 48 hours.

Relevant Data

Below are tables with information regarding Polk County juvenile detention facility holds and detention rates for youth ages 10-17. The data are taken from the DMC matrices and Iowa's 2012 [Juvenile Justice and Delinquency Prevention Act Three Year Plan](#). The matrices are an instrument utilized by the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) to measure and compare compliance with the DMC Requirement of the JJDP Act. An overall description of the matrices is provided on pages 75 through 78 of the plan. The most recently-completed matrix covers calendar year 2012, and select pages have been included here as Attachment C. It should be noted that matrices typically include arrest information from the Iowa Department of Public Safety's Uniform Crime Report (UCR). No UCR data are provided in the matrix because the most recently available data are from 2010. It is anticipated that 2011 arrest data will be available in the upcoming weeks. Such data will be provided to Polk County officials when they are available. Also, detention facility data provided in the matrices has typically included data regarding youth waived to adult court. For consistency purposes, neither the 2012 matrices nor any of the related detention figures in this report include data on youth under adult court jurisdiction. All detention data are developed from releases from detention for the noted time periods.

Figure 2
Polk County Detention Numbers

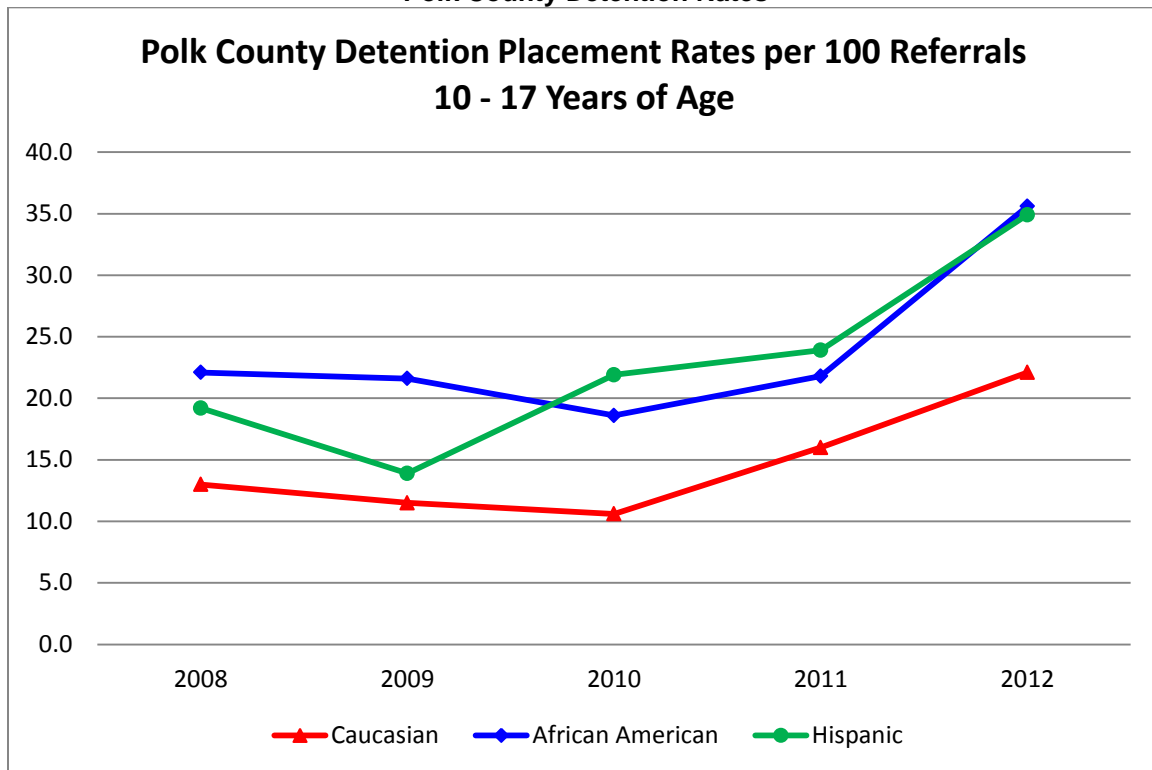
Polk County						Percent Change	5 - Year Average
Detentions	2008	2009	2010	2011	2012	(2008 - 2012)	
Caucasian	245	187	155	237	316	29.0%	228.0
Percent Change	--	-23.7%	-17.1%	52.9%	33.3%		
African American	184	169	131	197	306	66.3%	197.4
Percent Change	--	-8.2%	-22.5%	50.4%	55.3%		
Hispanic	59	32	54	65	94	59.3%	60.8
Percent Change	--	-45.8%	68.8%	20.4%	44.6%		

Source: CJJP – JDW

Note-Youth held on Adult Waivers are excluded in both Figure 2 and Figure 3 below.

- The number of detention holds for Caucasian and African-American youth was lowest 2010, and highest in 2012.
- There were considerable increases in holds for all racial/ethnic groups from 2010 to 2012. Increases in holds during that time period were higher for African-American (133.6%) and Caucasian youth (103.9%), than for Hispanics (74.1%).
- The number of detention holds for Hispanics nearly tripled from 2009 to 2012.

Figure 3
Polk County Detention Rates



Source: CJJP – JDW

- The average detention rates for the various racial/ethnic groups are as follows: African-Americans 23.9, Hispanics 22.8, and Caucasians 14.6.
- As the number of detentions increased from 2010 to 2012, so too did the detention rates for the different racial/ethnic groups.

In Figure 4, CJJP performed offense-level analysis related to the noteworthy increases in detention holds from 2008 to 2012. The data are taken from the JDW which provides information regarding the most serious offense for which the detention hold was based.

Figure 4
Polk County Detention Holds by Offense Level

	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	% Change 2008-2012
<i>Felony Offenses</i>						
Caucasian	79	98	64	108	110	39.2%
Percent Change	--	24%	-35%	69%	2%	
African-American	57	68	83	93	112	96.5%
Percent Change	--	19%	22%	12%	20%	
Hispanic	14	22	29	21	23	64.3%
Percent Change	--	57%	32%	-28%	10%	
<i>Indictable Misdemeanor Offenses</i>						
Caucasian	99	62	60	104	137	38.4%
Percent Change	--	-37%	-3%	73%	32%	
African-American	60	68	46	79	107	78.3%
Percent Change	--	13%	-32%	72%	35%	
Hispanic	24	12	26	33	58	141.7%
Percent Change	--	-50%	117%	27%	76%	
<i>Simple Misdemeanor Offenses</i>						
Caucasian	64	39	31	45	66	3.1%
Percent Change	--	-39%	-21%	45%	47%	
African-American	61	38	12	43	104	70.5%
Percent Change	--	-38%	-68%	258%	142%	
Hispanic	23	9	6	13	15	-34.8%
Percent Change	--	-61%	-33%	117%	15%	

Source: CJJP – JDW

- Hold numbers were at five year highs in 2012 for all offenses levels for all racial/ethnic groups, except for Hispanics for simple misdemeanors.
- Holds numbers were at five year lows in 2010 for all offense levels for racial/ethnic groups, except for African-Americans for felonies and for Hispanics for indictable misdemeanors.
- The percentage of increase in hold numbers for all offense levels for the three racial/ethnic groups from 2008 to 2012 is as follows: African-Americans, 82%, Hispanics 57%, and Caucasians 30%.
- The percentage of increase in hold numbers for all misdemeanor offense levels for the three racial/ethnic groups from 2008 to 2012 is as follows: African-Americans, 74%, Hispanics 55%, and Caucasians 25%.
- The most noteworthy numeric and percentage increases were for African-Americans from 2010 to 2012. Such hold numbers increased from 12 in 2010 to 104 in 2012 (767% increase).

Challenges

Ongoing Oversight - In regards to JDAI-related activities, the JDAI Steering Committee is no longer regularly meeting, and a key local staff position is no longer supported with state funding. The Committee provided noteworthy support and oversight related to detention reform.

The JDAI Committee included key membership from the local juvenile justice and minority communities. Some local officials note concerns that, without ongoing oversight and engagement of Juvenile Court Services (JCS) and the broader community, detention holds will be sustained at the present rate or increase further.

Increased Detention Usage – National research reflects the primary uses for juvenile detention are to maintain public safety and insure delinquent youths' appearance in court. Severity of the presenting allegations is one measure included in the consideration of public safety related to detention decision-making. Data from this section of the report and Section VI of this report, Arrest and JCS Referral, do not reflect the increases in the offense severity that would be commensurate with the considerable increases experienced in detention usage since 2010.

Detention Alternatives - A number of the parties who were interviewed and participated in the JDAI process vocalized concerns over detention alternatives (e.g. shelter care, tracking and monitoring services, in-home detention, etc.). Those concerns include: lack of availability of detention alternatives; reluctance on the part of juvenile justice system officials to utilize available alternatives; difficulty with the technical aspects of getting youth into alternatives; and the appropriateness of certain alternatives, such as shelter care, for delinquent youth. A number of officials note the effect of closure of the Polk County Shelter facility. DHS official indicate a similar number of shelter beds are presently available in the local private shelter facility as were available when the county facility was in operation. Issues related to the use of alternative were noted to a much lesser extent in other sites.

Data - Concerns were also noted regarding the data utilized for the JDAI effort. Those concerns included the difficulty reconciling state and local data sources, and a desire for the provision of information in a youth-based, rather than an incident-based data set. Most of the information CJJP produces is in incident-based data formats, although limited information is available in youth-based formats. Analysis of youth-based data reflects no noteworthy reductions in overall levels of minority overrepresentation, and slight increases in overrepresentation in detention decision-making.

CJJP Recommendations

Recommendation I: Discussions on detention reform in Polk County should continue, relying on existing groups rather than the establishment of some new entity. CJJP is willing to participate in such discussions. CJJP has provided quarterly detention data sets to the Polk County site, and requests local designation of recipients of future data sets. CJJP is willing to work with local officials regarding any data reconciliation concerns.

Recommendation II: Local discussions should seek to remedy issues regarding detention alternatives. CJJP is willing to participate in such discussions.

Recommendation III: Local oversight efforts should provide for an annual update of the JDAI work plan which is viewed as essential to sustaining detention reform efforts.

Recommendation IV: Written policies should be developed to help sustain the efforts regarding detention screening. Such policies must, minimally, include the investment of Judges, county attorneys, public defenders, and JCS. These new policies should support the local process and allow for continued evolution of practices intended to reduce DMC (e.g., utilization of the Detention Screening Tool). It is critical that local DMC efforts do not solely depend on existing leadership.

Section IV – School Discipline

Identified Issue/Activity

School Information System – During approximately the last five years, the Des Moines Public Schools (DMPS) have made a number of improvements to local information systems. The Early Indicator System (EIS) was put in place in 2008, and is utilized for grades K-12. The EIS, which is updated every six weeks, uses about a dozen indicators to assess students' risk of dropping out of school.

School Discipline – Level System - During the same time frame, a level system to deal with student behaviour incidents was implemented. Beginning at Level I (classroom intervention) and proceeding to the highest levels of school discipline, the level system puts further structure around decision-making.

Reductions – Out of School Suspension Time - The DMPS has also gone from a maximum of five days to a maximum of three days for out-of-school suspensions, demonstrating a commitment to maintain students in the school environment as much as possible. At the same time, the District is moving away from out-of-school suspension as a response to students with attendance issues.

Iowa Safe and Supportive Schools Initiative – Des Moines East High School is participating in a noteworthy state school reform effort, the Iowa Safe and Supportive Schools Initiative (IS3). IS3 supports efforts to measure and improve conditions for learning, which include school safety, student engagement in school, and the overall school environment. Only 19 other schools state-wide are participating in the IS3 effort.

Technical Assistance - DMPS officials were the first to avail themselves of technical assistance in the form of discussions facilitated by CJJP regarding school discipline and disproportionate minority contact. CJJP staff met with them, as well as members of the Des Moines Police Department, the Polk County Sheriff's Department, and Polk County Juvenile Court Services on May 22, 2012 and will continue to be available in the future.

Challenges

Data Report - The DMPS agreed to participate in a data collection effort with CJJP related to student incident referrals for all of the schools in its district. The data set includes information on student arrests and referrals to JCS. CJJP has continued to work with DMPS officials regarding development of data reports that can assist schools in affecting the school discipline process, keeping in mind that the DMPS has access to its own extensive array of data.

A number of questions have arisen that may be answered by examining available data: How many students have one removal and never have a problem again and how many students have multiple removals? Are students being arrested in the community when they are removed from school? Is open enrollment affecting school behavior issues? Are there more or fewer arrests and removals in schools that have School Resource Officers (SRO) versus those which do not?

The DMPS has taken significant steps in more thoroughly examining the data available through internal information systems. Because this effort can have meaningful benefits, but is also time-intensive, the DMPS will have to maintain a balance between exploring data and taking action or empowering others to do so. As the DMPS has seen a decrease in the number of support staff as a result of funding, this may be more difficult.

Engagement of families by the DMPS was a concern voiced by many of those interviewed and is a challenge faced in other school districts as well.

Finally, interest, concern, and support were expressed regarding the presence of school resource officers in school settings. See Attachment D for relevant research on this topic.

CJJP Recommendations

Recommendation I: The DMPS should continue to take advantage of the technical assistance offered by CJJP related to policy and procedure. The Iowa Department of Education has indicated its willingness to participate in these local discussions as well.

Recommendation II: The DMPS should continue sharing school discipline data with CJJP for ongoing analysis and monitoring purposes. Discussion needs to take place with the Des Moines Police Department regarding the availability of school arrest data.

Recommendation III: The DMPS and DMPD should take advantage of outcome-based research and evaluation that CJJP is offering for the SRO program. CJJP will seek to partner with other state agencies to perform such research on SRO programs throughout Iowa.

Section V - Overall Local Leadership and Committee Engagement

Identified Issue/Activity

There has been a long-standing local interest in DMC-related activities. Those interests speak directly to leadership and engagement, which are key ingredients in reducing DMC. Listed below are a number of examples:

- The Des Moines Police Department is actively making staff available to serve on a variety of local juvenile justice and/or DMC-related committees. They are engaging minority persons in work in the community and schools. They are diverting some youth from formal system processing.
- The local office of the Department of Human Services (DHS) has DMC-related efforts underway (i.e. Community Partnerships for Protecting Children) and has been a partner in bringing the “Undoing Racism” project to Des Moines.

- Marilyn Lantz, the Chief Juvenile Court Officer in the 5th Judicial District JCS, chaired a subcommittee that designed the detention screening instrument presently being utilized in Polk, Black Hawk, and Woodbury Counties.
- AMOS is a local organization that “seeks to channel individual action into a responsible and powerfully-organized force for the common good.” Teams involving youth and education, as well as criminal and justice issues, have expressed an interest in DMC issues.
- The African American Leadership Council seeks to improve the quality of life of the community “through leadership and collaboration of resources to connect and empower.” It has a criminal justice subcommittee and has expressed an interest in DMC issues.
- There are local, private providers and other state and local advocacy groups (e.g. Creative Visions, Urban Dreams, NAACP, Black Ministerial Alliance) dedicated to reducing DMC.
- Wayne Ford, former House Representative and Executive Director of Urban Dreams is Chair of the State-Level DMC Subcommittee.
- Citizens United to Combat Racism effort is small committee that grew out of Polk County’s detention reform effort. The group has brought in numerous speakers to discuss various issues related to race/ethnicity in the school, juvenile justice, etc.
- The DMC-related planning groups listed in Section II have been major contributors to local successes related to DMC. The leadership and diverse membership of those groups are directly related to their success and the successes noted above. In recent years CJJP and its subcontractors have worked most closely with the local JDAI and DMC Committees.

Challenges

Consistency of Purpose - The existence of multiple groups having similar goals can sometimes make it difficult to allow forward progress or to provide agreed-upon avenues to reduce overrepresentation. Each group has its own unique charge, but, at times, it can be difficult to get all groups moving together toward a single goal. In many communities, cross membership on multiple DMC groups can create fatigue regarding the extent to which true collaboration is taking place.

Diversity of Leadership – A number of community members expressed concern over the lack of leadership representation from minority groups on committees as well as in professional roles in organizations that have a significant impact on minority groups. At the same time, committee organizers and agencies have been frustrated in their attempts to recruit members/employees of color.

Risk of Expanded Focus - The leaders in this community have broad areas of expertise and interest. Experience indicates that discussions regarding DMC inevitably expand from the issue of minority overrepresentation in the juvenile justice population to larger societal issues affecting minorities. It is fairly well documented that minorities are disproportionately affected by unemployment and poverty, both of which are risk factors that can be linked to increased rates of criminal and delinquent behavior. These are certainly legitimate concerns and important issues to be addressed in a comprehensive approach to minority overrepresentation. However, many of these long-term issues will tend to frustrate DMC initiatives and bog down efforts to address some critical DMC-related problems that can be ameliorated in the short-term.

CJJP Recommendations

Recommendation I: Polk County should avail itself of its broad array of local leadership.

Recommendation II: Polk County should focus its DMC-related activities for the juvenile justice and DMPS on a small and attainable number of goals.

Recommendation III: There is an ongoing need for the various planning groups in the community to specify their missions and require accountability specific to their overall purpose.

Section VI – Overall Arrests and JCS Referral

Identified Issue/Activity

Discussions with a number of Polk County juvenile justice system officials noted trends or concerns regarding offending behaviors or patterns for minority youth, particularly African- American youth. In response, CJJP made a broad query of the Justice Data Warehouse regarding the types of local allegations for which youth were being referred to JCS.

Relevant Data

CJJP maintains a Justice Data Warehouse (JDW) which contains information from the Iowa Court Information System (ICIS) regarding major juvenile justice decision-making points. A more thorough discussion of the JDW is provided on page 77 of the [Three Year Plan](#). Allegation data for Polk County are included as Attachment E – Top 20 Allegations, and are shown in Figure 5.²

² The data in Attachment E are taken from the JDW and are comprised of individual allegations which resulted in a referral to JCS. The tables include data regarding the top 20 allegations for Caucasian, African-American and Hispanic youth. Data sets are provided for calendar years 2008 through 2012.

Figure 5
Top 5 Allegations for Caucasian, African-American, and Hispanic Youth

Caucasian

	2008	2009	2010	2011	2012	Sum:
THEFT 5TH DEGREE (SMMS)	444	410	329	345	294	1822
ASSAULT (SMMS)	225	158	137	156	137	813
POSSESSION OF A CONTROLLED SUBSTANCE (SRMS)	130	142	128	142	144	686
POSSESSION OF DRUG PARAPHERNALIA (SMMS)	111	117	90	112	136	566
DISORDERLY CONDUCT - FIGHTING OR VIOLENT BEHAVIOR (SMMS)	152	90	82	60	82	466
Sum:	1062	917	766	815	793	4353

African American

	2008	2009	2010	2011	2012	Sum:
THEFT 5TH DEGREE 1978 (SMMS)	207	236	178	197	169	987
DISORDERLY CONDUCT - FIGHTING OR VIOLENT BEHAVIOR (SMMS)	148	93	72	97	145	555
ASSAULT (SMMS)	117	127	89	99	111	543
INTERFERENCE W/OFFICIAL ACTS (SMMS)	72	87	59	67	78	363
ASSAULT CAUSING BODILY INJURY (SRMS)	69	51	49	65	62	296
Sum:	613	594	447	525	565	2744

Hispanic

	2008	2009	2010	2011	2012	Sum:
THEFT 5TH DEGREE (SMMS)	47	58	54	48	62	269
ASSAULT (SMMS)	40	33	27	23	41	164
DISORDERLY CONDUCT - FIGHTING OR VIOLENT BEHAVIOR (SMMS)	42	21	26	30	22	141
POSSESSION OF A CONTROLLED SUBSTANCE (SRMS)	18	22	19	19	36	114
CRIMINAL MISCHIEF 5TH DEGREE (SMMS)	26	23	22	11	23	105
Sum:	173	157	148	131	184	793

Source: JDW

Allegations Remarks - Figure 5:

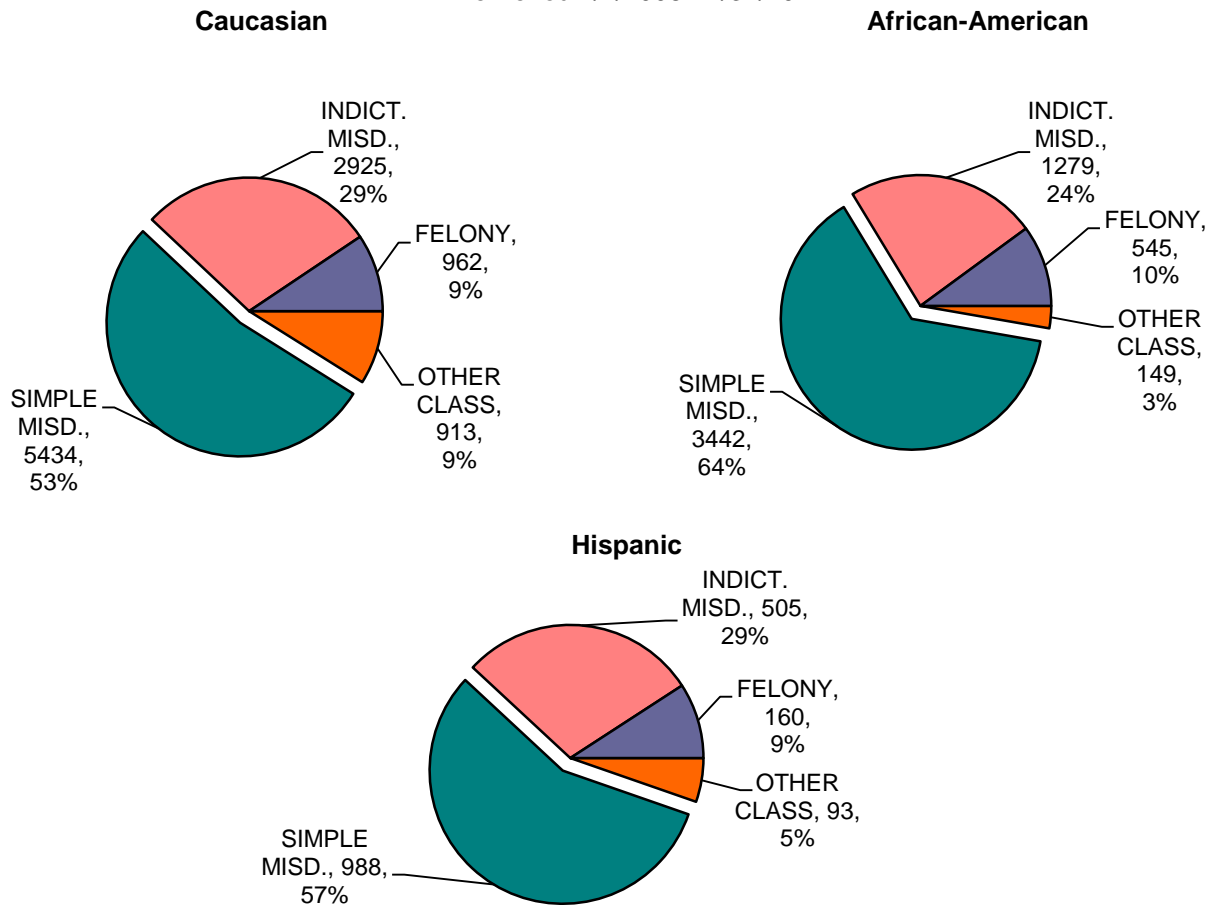
- Theft 5th Degree is the top allegation for the three racial/ethnic groups.
 - Possession of drug paraphernalia is an allegation on the top 5 list for Caucasians that is not on the list for the two other racial/ethnic groups.
 - Interference with official acts and serious assault are two offenses on the top 5 list for African- Americans that are not on the list for the two other racial/ethnic groups. Serious assault is the only offense on the top 5 list for any of the three racial/ethnic groups that is not a simple misdemeanor

- Criminal Mischief 5th is an allegation on the top 5 list for Hispanics that is not on the list for the two other racial/ethnic groups.

Allegations - Overall Remarks (see data from Attachment E - Top 20 Allegations):

- Allegation numbers for the three combined racial/groups declined 11% during the report period (2008 n=3,923; 2012 n=3,476).
 - Allegations numbers declined 20% for Caucasians during the report period (2008 n=2,404; 2012 n=1,915). Allegation numbers for Caucasians were at a five year low in 2010 (n=1,833).
 - Allegations numbers increased 5% for African-Americans during the report period (2008 n=1,133; 2012 n=1,187). Allegation numbers for African-Americans were at a five year low in 2010 (n=927).
 - Allegations numbers declined 3% for Hispanics during the report period (2008 n=386; 2012 n=374). Allegation numbers for Hispanics were at a five year low in 2009 (n=304).
- For classification purposes CJJP includes disorderly conduct, harassment of public officer, and interference with official acts as public order allegations. Provided below is analysis regarding public order allegations for the combined report years.
 - Minority youth account for 61% (n=1,425) of the public order allegations (n=2,344) included in the Top 20 list as reflected in Attachment E.
 - Public order allegations account for 11% of overall allegations for Caucasians (n=919), 27% for African-Americans (n=1,192), and 17% for Hispanics (n=233).
 - African-Americans have a higher number of public order allegations than Caucasian youth.

Figure 6
JCS Allegations by Offense Level
Time Period 1/1/2008-12/31/2012



Source: JDW

"Other Class" includes scheduled violations (e.g. certain alcohol, traffic, and court offenses)

Remarks - Figure 6:

- Felonies account for 10% of the allegations referred to JCS for the combined report period.
 - Felony allegations account 9% of overall allegations, respectively, for Caucasians and Hispanics, and 10% for African-Americans.
- Indictable misdemeanors (serious and aggravated misdemeanors) account for 27% of the allegations referred to JCS for the combined report period.
 - Indictable misdemeanor allegations account for 29% of overall allegations, respectively, for Caucasians and Hispanics, and 24% for African-Americans.
- Simple misdemeanors account for 57% of the allegations referred to JCS for the combined report period.
 - Simple misdemeanor allegations comprise 53% of overall allegations for Caucasians, 64% for African-Americans and 57% for Hispanics.

Challenges

Low Level Offenses - Public Order - If all of the overrepresentation that exists in the juvenile justice system were eliminated for African-American youth for felony level allegations, disproportionality would still be noteworthy. Data show that 57% of all allegations referred to the juvenile court in Polk County are for simple misdemeanor offenses. Some of the offenses for which there is the most noteworthy overrepresentation include disorderly conduct and interference with official acts. Minority youth account for 61% of public order allegations. Low-level and public order offenses are those that offer the greatest opportunity for the judicious exercise of discretion by justice system representatives.

Complaint Calls - Law enforcement officials estimate that the majority of the calls to which they respond are to neighborhoods in which high numbers of minority youth reside. Thus, their patrol patterns are established by the volume of contact experienced in a given area.

Rights of Victims - Law enforcement officials note that even low-level offenses affect a victim. They stress the importance of the juvenile justice system's being accountable to the needs of victims.

Police Stops - A number of local audiences in Black Hawk, Johnson, Polk, and Woodbury Counties express concern at the high rates and frequencies of police stops, arrests, and searches of African-American youth. CJJP conducted additional research regarding the noted concerns which is summarized in Attachment F.

CJJP Recommendation

<p><u>Recommendation:</u> Local officials should initiate discussions regarding arrest and JCS referral for low level offenses. Rather than creating a new group, an existing group should be considered for such discussions. CJJP would make itself available for technical assistance in such discussions.</p>

Section VII – Delinquency Petitions

Identified Issue/Activity

Many of the persons interviewed for this report referenced the recent increases in delinquency petition filings, and, specifically, the extent to which such filings may be affecting processing for African-American youth. Petitions are filed on cases for which more serious court intervention is necessary. The county attorney may file a petition on any given delinquent offense, and an individual petition may contain multiple offenses.

Individuals from the Polk County Attorney's Office stress that they work with juvenile court authorities to explore various alternatives to filing a petition. They stress that they look at each individual's background such as prior involvement with JCS and the court, the individual's family situation, educational background, prior services provision and any other relevant information that would inform decision making.

Relevant Data

Because the level of interest related to petition filings was unique to the Polk County site and was widely discussed, CJJP queried the JDW for requisite data. As the below data reflect, Polk County has experienced noteworthy increases in petition filings (see figures 7 and 8).

Figure 7
Polk Petition Numbers

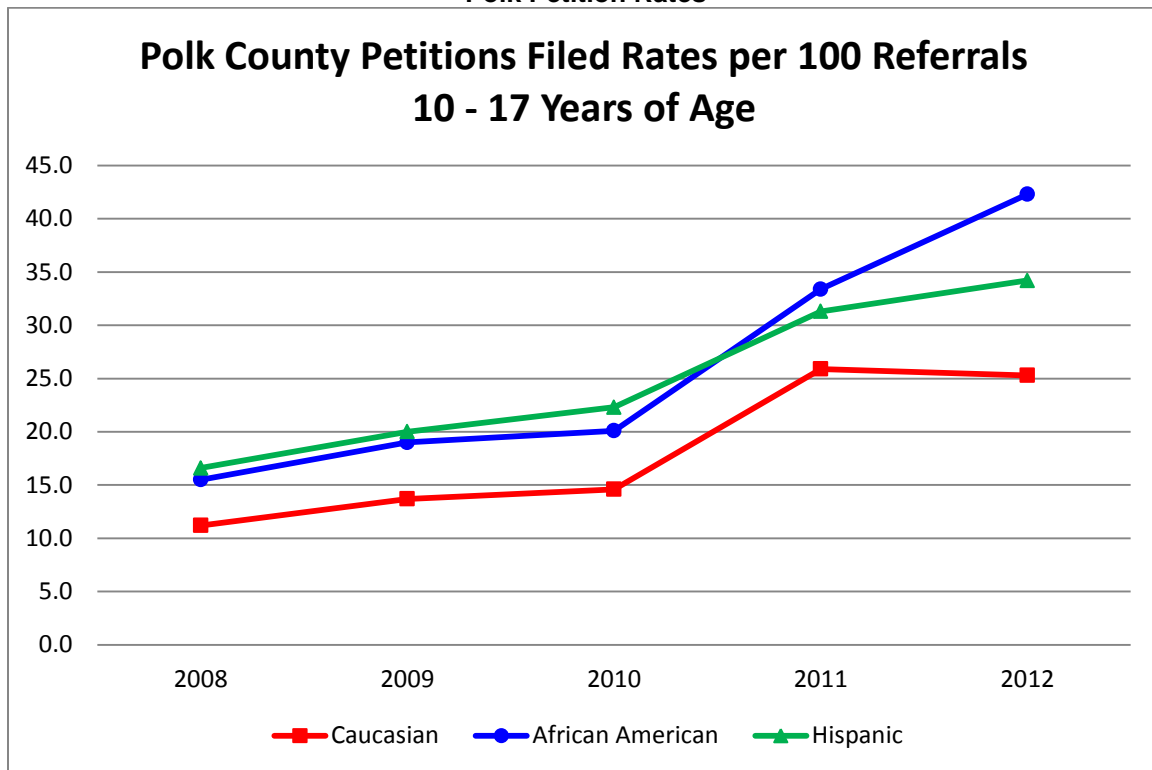
Polk County Petitions Filed	2008	2009	2010	2011	2012	Percent Change (2008 - 2012)	5 - Year Average
Caucasian	212	223	213	385	362	70.8%	279.0
Percent Change	--	5.2%	-4.5%	80.8%	-6.0%		
African American	129	148	142	302	364	182.2%	217.0
Percent Change	--	14.7%	-4.1%	112.7%	20.5%		
Hispanic	51	46	55	85	92	80.4%	65.8
Percent Change	--	-9.8%	19.6%	54.5%	8.2%		

Source: JDW

Data presented are numbers of petitions, not numbers of youth.

- The number of petitions filed for the three racial/ethnic groups increased considerably from 2010 to 2012.
- Increases in petitions filed for the entire report period were as follows: African-Americans 182.2%, Hispanics 80.4% and Caucasians 70.8%.
 - The number of petition filed for African-Americans (n=364) exceeded those for Caucasians (n=362) in 2012.

Figure 8
Polk Petition Rates



Source: JDW

- The average rates for petitions filed over the five year period for the various racial/ethnic groups are as follows: African-Americans 26.1, Hispanics 24.9, and Caucasians 18.1

Challenges

Public Safety - The filing of a petition must balance a number of important concerns (legal sufficiency of the allegation, the age of the youth involved, prior rehabilitative efforts, necessary accountability for the alleged act of delinquency, the rights of the victim, etc.), none of which is more important than the safety of the community. Severity of the allegations for which a petition is being requested is one measure included in the consideration of public safety and the filing of a petition. Data from Section VI of this report, Arrest and JCS Referral, do not reflect the increases in the volume of offending and/or offense severity that would be commensurate with the considerable increases experienced in petition filings.

Data - Given that there may be multiple petitions for a given youth, and that there may be multiple allegations included in a single petition, it is difficult to prescribe an allegation level when examining petition filings.

Court Processing – A number of parties interviewed for the report indicated the difficulty associated with accommodating the various court requirements associated with increased petition filings including: increased number of court hearings, increased court reporting requirements, increased time spent with alleged delinquent youth and their families, etc.

Recommendation I: All parties, the courts, defense, and JCS are affected by the increased petition filings in Polk County. The County Attorney should engage in a local discussion, preferably through an existing group, to accommodate the challenges associated with increased filings. CJJP is willing to participate in such discussions.

Recommendation II: Local discussions regarding petition filing must be informed by data. CJJP will work with local juvenile justice system officials and the public to provide information from the JDW. The information provided must be aggregated by race/ethnicity.

Section VIII - Other Juvenile Justice System Activities

Identified Issue/Activity

Best Practices - JCS has implemented best practice programming, including Functional Family Therapy, a research-based program that engages the family in improving the behaviors of delinquent youth, and Aggression Replacement Training, a program that seeks to reduce aggressive behaviors in delinquent youth.

Innovation – JCS has been involved in a variety of innovative work including:

- Established JCS units based on risk/need level of local cases.
- Worked specifically with high schools regarding the arrest and referral of youth to JCS.
- Established liaisons to work with minority youth referred to JCS to explain court processing.
- Rewrote a contract for the local detention alternative sanctions program to provide several levels, including: a weekday sanction after school, a one-day Saturday sanction, a three-day week-end sanction, and motivational interviewing based delinquency impact class.

Challenges

Overrepresentation at Various Juvenile Justice Decision Points - Despite a number of noteworthy DMC-related successes, overrepresentation still exists at various juvenile delinquency decision-making stages. Overall DMC matrices rates are considerably lower than national averages, but Relative Rates (RR's) remain elevated for African-American youth at the decision-making phases of arrest, petition, and state training school placement, and for Hispanic youth at detention and petition for calendar year 2011 (pages 99 through 102 of the [Three Year Plan](#)).

CJJP Recommendation

Recommendation: JCS should engage relevant local planning groups/audiences regarding implementation of the various best practices and innovative activities. A number of local groups expressed interest in learning more about programming found to be effective, in particular, for minority youth.

Section VIII Relationships of Major Institutions to Minority Community

Identified Issue Activity - Challenges

Minority Community Trust in Local Institutions - Some local officials noted concerns with the ability for families of color, particularly African-American parents, to approach and work with the schools and law enforcement on issues faced by their youth. It is clear that local institutions are offering formal and informal opportunities for access by minority families. Research reflects minority distrust of institutions as a major factor in their unwillingness to access or function within institutions (summarized in Attachment G).

CJJP Recommendations

Recommendation I: Local institutions such as JCS, the judiciary, law enforcement, schools, etc. should engage minority families in ongoing and meaningful discussions regarding the policies affecting their youth.

Attachment A

Polk County Officials Interviewed

Advocacy Organizations	Elected Officials
<i>*African-American Leadership Forum</i>	<i>State</i>
Ericka Wiley, Co-Chair, Crimimanl Justice	Ako Abdul-Samad, State Representative
<i>A Mid-Iowa Organizing Strategy (AMOS)</i>	<i>Des Moines School Board</i>
Paul Turner, Organiser	Teree Caldwell-Johnson
Fred Van Liew, Justice Coordinator	<i>County Attorney</i>
<i>**Black Ministerial Alliance</i>	John Sarcone, Polk County Attorney
Reverend Clair Rudison	***Frank Severino, Juvenile Bureau Chief
<i>National Association for the Advancement of Colored People</i>	**** <i>County Sheriff</i>
Arnold Woods, President, Iowa/Nebraska Chapter, NAACP	William McCarthy, Polk County Sheriff
	Human Services (Department of)
	Pat Penning, Service Area Manager
Des Moines Community School District	Judicial
Bryce Amos, Executive Director, High Schools and Learning Services	<i>Judge</i>
Jamie Gilley, Learning Services Coordinator	Arthur Gamble, Chief Judge, 5th Jud. District
Nancy Wright, Ph.D., GEAR UP Coordinator	<i>Juvenile Court Services</i>
Ruth Wright, Community School District Coordinator	Marilyn Lantz, Chief Juvenile Court Officer
	Polk County
Des Moines Police Department	Brian Boyer, Director, Polk County Dept. of Community and Family Services (CFS)
Stephen Waymire, Major, Des Moines P.D.	Betty Devine, Deputy Director, CFS
Todd Dykstra, Captain, Des Moines P.D.	
Defense Attorney	Private Provider
Katherine Miller, Chief Public Defender	<i>Homes of Oakridge</i>
	John Spinks, Program Coordinator
*African-American Leadership Forum-In a meeting 10/26/12 CJP staff met w ith multiple members of the Forum.	
**Black Ministerial Alliance-In a meeting 8/9/12 CJP staff met w ith multiple members of the Alliance.	
***Non-Elected Official	
****Polk County Sheriff - In a meeting 12/10/12 CJP staff met w ith multiple staff from the Sheriff's Office.	

Attachment B

Juvenile Justice-Related Legal Precedents

There is a growing body of legal precedents providing youth with protections consistent with and, in some occasions, beyond those provided to adults due to the reduced culpability of youth. Further, under the doctrine of *parens patriae*, juvenile courts are obligated to ensure that the best interests of youth are being represented and met. These precedents are exemplified in the following cases:

In re Gault 387 U.S. 1 (1967) - The Court ruled that in hearings potentially resulting in commitment to an institution, juveniles have the right to notice and counsel, to question witnesses, and to protection against self-incrimination.

In re Winship, 397 U.S. 358 (1970) - The Court held that, under the Due Process Clause of the 14th Amendment, juveniles have the constitutional right to be adjudicated under the standard of proof of beyond a reasonable doubt.

D.B., v. Tewksbury, District Court of Oregon (1983) - The Court found the practice of jailing juveniles to be a *per se* constitutional violation of the 14th Amendment.

Hendrickson v. Griggs (U.S. District Court, Northern District Iowa 1987) - The federal Juvenile Justice and Delinquency Prevention Act is more than a funding statute. It creates an enforceable private right of action. States assume duties when they accept the federal funds, and when these duties are breached, a juvenile may seek a remedy pursuant to 42 U.S.C.A. Section 1983.

Thompson v. Oklahoma, 487 U.S. 815 (1988) - The differences between juvenile and adult offenders indicate that less culpability should attach to a crime committed by a juvenile than to a comparable crime committed by an adult.

Miller v. Alabama 567 U.S. ____ (2012) - The Court, expanding on 25 years of jurisprudence, held that the 8th amendment prohibited the mandatory imprisonment of juvenile homicide offenders to life without parole. The Court had previously prohibited capital punishment for minors who committed murder in *Roper v. Simmons* 543 U.S. 551 (2005) and had banned life without parole for non-homicide offenders in *Graham v. Florida* 130 s.ct.2011.

Attachment C - 2012 DMC Matrix

State: Iowa

County: Polk

Reporting Period:

**January
through**

2012
December **2012**

	Total Youth	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
1. Population at risk (age 10 through 17)	47,059	35,035	4,558	5,299	2,003	0	164	0	12,024
2. Juvenile Arrests	NA	NA	NA	NA	NA	NA	NA	NA	NA
3. Refer to Juvenile Court	2,767	1,429	860	269	51	0	7	151	1,338
4. Cases Diverted	1,975	1,109	543	202	47	0	3	71	866
5. Cases Involving Secure Detention	794	316	306	94	0	0	0	78	478
6. Cases Petitioned (Charge Filed)	904	362	364	92	7	0	1	78	542
7. Cases Resulting in Delinquent Findings	330	119	142	35	5	0	1	28	211
8. Cases resulting in Probation Placement	202	76	81	24	1	0	0	20	126
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	32	11	16	4	0	0	0	1	21
10. Cases Transferred to Adult Court	54	27	18	4	0	0	0	5	27

Meets 1% rule for group to be assessed?

Yes

Yes

Yes

Yes

No

No

No

release date: March, 2011

5. DATA SOURCES & NOTES

Item 1 Population: NCRJS Census Update	CY:	2010
Item 3 Referral: # of JCS Complaints/Referrals - JDW	CY:	2012
Item 5 Detention: # of Juvenile Detention Holds – CJJP (excludes adult court waivers)	CY:	2012
Item 7 Delinquent: # of Orders for Adjudication - JDW	CY:	2012
Item 9 Confinement: # of Placements to Boys STS	CY:	2012

Item 2 Arrests: 2011 UCR DATA NOT AVAILABLE	CY:	NA
Item 4 Diversions: # of Diversions - JDW	CY:	2012
Item 6 Petitioned: # of Petitions Filed - JDW	CY:	2012
Item 8 Probations: # of Orders for Probation - JDW	CY:	2012
Item 10 Transferred: # of Orders for Waiver to Adult Court - JDW	CY:	2012

Attachment C (cont.)

1. AREA REPORTED		FOCAL GROUP: Black or African-American			
State: Iowa		Reporting Period :		01/01/2012-12/31/2012	
County: Polk		Reference Group:		White	
Data Items	Total Number of Reference Group	Rate of Occurrence - Reference Group	Total Number In Focal Group	Rate of Occurrence - Focal Group	Relative Rate Index
1. Population at risk (age 10 through 17)	35,035		4,558		
2. Juvenile Arrests	NA	0.00	NA	0.00	--
3. Refer to Juvenile Court	1,429	NA	860	NA	--
4. Cases Diverted	1,109	77.61	543	63.14	0.81
5. Cases Involving Secure Detention	316	22.11	306	35.58	1.61
6. Cases Petitioned (Charge Filed)	362	25.33	364	42.33	1.67
7. Cases Resulting in Delinquent Findings	119	32.87	142	39.01	1.19
8. Cases resulting in Probation Placement	76	63.87	81	57.04	0.89
9. Cases Resulting in Confinement in Secure	11	9.24	16	11.27	1.22
10. Cases Transferred to Adult Court	27	7.46	18	4.95	0.66
Note: Rates for Refer to Juvenile Court are not calculated due to unavailability of arrest data.					
Key:					
Statistically significant results:		Bold font			
Results that are not statistically significant		Regular font			
Group is less than 1% of the youth population		*			
Insufficient number of cases for analysis		**			
Missing data for some element of calculation		---			
Definitions of rates:					
Recommended Base				Base Used	
2. Arrests of Juveniles - rate per 1000 population				per 1000 youth	
3. Referrals to Juvenile Court - rate per 100 arrests				per 1000 youth	
4. Cases involving Diversion before adjudication - rate per 100 referrals				per 100 referrals	
5. Cases involving Detention - rate per 100 referrals				per 100 referrals	
6. Cases Petitioned - rate per 100 referrals				per 100 referrals	
7. Delinquent Findings - rate per 100 youth petitioned (charged)				per 100 youth petitioned	
8. Probation placements - rate per 100 youth found delinquent				per 100 youth found delinquent	
9. Placement in secure corrections - rate per 100 youth found delinquent				per 100 youth found delinquent	
10. Transfers to adult court - rate per 100 youth petitioned				per 100 youth petitioned	

Attachment C (cont.)

1. AREA REPORTED		FOCAL GROUP:	Hispanic or Latino		
State: Iowa		Reporting Period :	01/01/2012-12/31/2012		
County: Polk		Reference Group:	White		
Data Items	Total Number of Reference Group	Rate of Occurrence - Reference Group	Total Number In Focal Group	Rate of Occurrence - Focal Group	Relative Rate Index
1. Population at risk (age 10 through 17)	35,035		5,299		
2. Juvenile Arrests	NA	0.00	NA	0.00	--
3. Refer to Juvenile Court	1,429	NA	269	NA	--
4. Cases Diverted	1,109	77.61	202	75.09	0.97
5. Cases Involving Secure Detention	316	22.11	94	34.94	1.58
6. Cases Petitioned (Charge Filed)	362	25.33	92	34.20	1.35
7. Cases Resulting in Delinquent Findings	119	32.87	35	38.04	1.16
8. Cases resulting in Probation Placement	76	63.87	24	68.57	1.07
9. Cases Resulting in Confinement in Secure	11	9.24	4	11.43	**
10. Cases Transferred to Adult Court	27	7.46	4	4.35	**
<i>Note: Rates for Refer to Juvenile Court are not calculated due to unavailability of arrest data.</i>					
Key:					
Statistically significant results:		Bold font			
Results that are not statistically significant		Regular font			
Group is less than 1% of the youth population		*			
Insufficient number of cases for analysis		**			
Missing data for some element of calculation		---			
Definitions of rates:					
Recommended Base			Base Used		
2. Arrests of Juveniles - rate per 1000 population			per 1000 youth		
3. Referrals to Juvenile Court - rate per 100 arrests			per 1000 youth		
4. Cases involving Diversion before adjudication - rate per 100 referrals			per 100 referrals		
5. Cases involving Detention - rate per 100 referrals			per 100 referrals		
6. Cases Petitioned - rate per 100 referrals			per 100 referrals		
7. Delinquent Findings - rate per 100 youth petitioned (charged)			per 100 youth petitioned		
8. Probation placements - rate per 100 youth found delinquent			per 100 youth found delinquent		
9. Placement in secure corrections - rate per 100 youth found delinquent			per 100 youth found delinquent		
10. Transfers to adult court - rate per 100 youth petitioned			per 100 youth petitioned		

Attachment D

Research Related School Resource Officers

The existing body of reliable research regarding SROs is limited; however, there are several common themes in the research and other reports that are available:

Necessity of further research and evaluation

Many of the reports on SRO programs involve surveys and/or a description of SRO duties rather than data and analysis that evaluates outcomes like impact on student behavior and delinquency.

“Millions of dollars have been spent to hire, train, and implement SRO programs. Evaluations of the effectiveness of this approach, however, have been limited. Few reliable outcome evaluations have been conducted.”³

Reactive creation of SRO programs

SRO programs should be one of a number of possible options that may or may not be created in response to a thorough analysis of the problem(s) a school is facing. However, the reality is considerably different.

“One large survey found that most school principals reported starting an SRO program because of national media attention on school safety whereas most police chiefs gave the availability of grant funding as their reason for assigning SROs.”⁴

Poor delineation of roles

“Philosophical conflicts often relate to the differing organizational cultures of police departments and schools. Police are focused on public safety, schools on education. These different perspectives on school safety can be challenging for an SRO. Many school-based police officers must play dual roles, navigating between school and police cultures.”⁵

“Absent specific guidelines, SROs may not have a clear understanding of their role within the larger educational context or the rights and needs of the children they are intended to serve; they may inadvertently, and indeed counterproductively, create an adversarial environment that pushes students, particularly at-risk students, out of school rather than engaging them in a positive educational environment.”⁶

Unintended consequences

One area of concern voiced by many is normal adolescent misbehavior being dealt with as delinquency when an SRO is involved. Many see these behaviors as better handled via classroom management or the school discipline process with less chance of damaging repercussions.

“Studies show that being arrested has detrimental psychological effects on the child; nearly doubles the odds of dropping out of school, and, if coupled with a court appearance, nearly quadruples the odds of dropout; lowers standardized test scores; reduces future employment prospects; and increases the likelihood of future interaction with the criminal justice system.”⁷

³ Raymond, B. “Assigning Police Officers to Schools: Response Guide No. 10”. Center for Problem-Oriented Policing. April 2010. p. 33.

⁴ Ibid. p. 19

⁵ Ibid. p. 22

⁶ Dycus, J. “Hard Lessons: School Resource Officer Programs and School-Based Arrests in Three Connecticut Towns”. American Civil Liberties Union. November 2008. p. 6

⁷ Kim, C. Geronimo, I. “Policing in Schools: Developing a Governance Document for School Resource Officers in K-12 Schools”. American Civil Liberties Union. August 2009. p. 10

Additionally, concerns exist about the direct contact between law enforcement and students in an educational setting.

“The presence of SROs in schools has led to youth being arrested for disruptive rather than dangerous behavior, like swearing. The presence of school resource officers creates the opportunity for an increased application of the law directly to students and school situations without the filter of school administrators or policies, which may have treated youth differently for the same behaviors.”⁸

“SROs are typically accountable first to the police department and then to the school, which might pay part of an SRO’s salary or administrative costs. Nonetheless, a handbook for recruiting and retaining SROs, says that an SRO can overrule a school administrator that wants to prevent the arrest of a student.”⁹

If a school already has or is considering creating an SRO program

“In order to function effectively, SRO programs must include the following elements: clearly defined objectives that are well understood by all stakeholders; adequate training requirements; and periodic outcome-based monitoring and evaluation mechanisms that permit program administrators and the public to gauge SRO programs’ performance accurately.”¹⁰

“Specifically, a clear document, typically referred to as a memorandum of understanding (MOU), must be in place in order to maximize the effectiveness of the SRO in promoting a safe learning environment. Without such a document the SRO could actually reduce, and not increase, school safety.”¹¹

The existence of a SRO program should in no way eliminate consideration of other alternatives

“Studies suggest that punitive approaches to student behavior --- such as zero-tolerance policies, out-of-school suspensions, and school-based arrests --- may not be effective in reducing misconduct and instead may actually increase dropout rates and juvenile delinquency. By contrast, a consensus is developing among experts in education and child psychology that alternative approaches to student behavior --- such as positive behavioral interventions and supports (PBIS) programs, peer mediation programs, conflict resolution programs, and other restorative justice models --- may be more effective in reducing school misconduct and improving student engagement.”¹²

⁸ Petteruti, A. “Education Under Arrest: The Case Against Police in Schools”. Justice Policy Institute. November 2011. p. 3.

⁹ Ibid. p. 2.

¹⁰ Dycus, J. “Hard Lessons: School Resource Officer Programs and School-Based Arrests in Three Connecticut Towns”. American Civil Liberties Union. November 2008. p. 6

¹¹ Cray, M. Weiler, S. “Policy to Practice: A Look at National and State Implementation of School Resource Officer Programs.” The Clearing House, 84. 2011. p.164

¹² Kim, C. Geronimo, I. “Policing in Schools: Developing a Governance Document for School Resource Officers in K-12 Schools”. American Civil Liberties Union. August 2009. p. 26

Attachment E

TOP 20 JCS Allegations Caucasians

Caucasian

	2008	2009	2010	2011	2012	TOTALS
THEFT 5TH DEGREE (SMMS)	444	410	329	345	294	1,822
ASSAULT (SMMS)	225	158	137	156	137	813
POSSESSION OF A CONTROLLED SUBSTANCE (SRMS)	130	142	128	142	144	686
POSSESSION OF DRUG PARAPHERNALIA (SMMS)	111	117	90	112	136	566
DISORDERLY CONDUCT - FIGHTING OR VIOLENT BEHAVIOR (SMMS)	152	90	82	60	82	466
ASSAULT CAUSING BODILY INJURY (SRMS)	93	119	77	90	85	464
JCS - POSSESS/PURCH ALCOHOL BY PERSON UNDER 18	0	0	74	140	233	447
CRIMINAL MISCHIEF 5TH DEGREE (SMMS)	98	120	74	64	48	404
INTERFERENCE W/OFFICIAL ACTS (SMMS)	76	55	49	71	55	306
TRESPASS - < 200 (SMMS)	72	53	63	54	58	300
BURGLARY 3RD DEGREE - UNOCCUPIED MOTOR VEHICLE (AGMS)	56	42	62	62	36	258
CONSUMPTION / INTOXICATION (SMMS)	70	48	46	45	39	248
THEFT 4TH DEGREE (SRMS)	54	51	58	42	27	232
JCS - POSSESS/PURCH ALCOHOL BY PERSON <18 YOA - 1ST OFFENSE	82	88	56	0	0	226
BURGLARY 3RD DEGREE (FELD)	53	59	59	30	8	209
DISORDERLY CONDUCT - LOUD AND RAUCOUS NOISE (SMMS)	44	22	19	25	37	147
THEFT 2ND DEGREE (FELD)	28	31	31	33	18	141
HARASSMENT / 3RD DEG. (SMMS)	40	24	14	14	22	114
LOCAL ORDINANCE	25	17	12	26	29	109
HARASSMENT / 1ST DEG. (AGMS)	32	7	13	28	14	94
ALL OTHER ALLEGATIONS	519	445	360	445	413	2,182
Totals	2,404	2,098	1,833	1,984	1,915	10,234

Source: JDW

Attachment E (cont.)
TOP 20 JCS Allegations African-Americans

African-American

	2008	2009	2010	2011	2012	TOTALS
THEFT 5TH DEGREE (SMMS)	207	236	178	197	169	987
DISORDERLY CONDUCT - FIGHTING OR VIOLENT BEHAVIOR (SMMS)	148	93	72	97	145	555
ASSAULT (SMMS)	117	127	89	99	111	543
INTERFERENCE W/OFFICIAL ACTS (SMMS)	72	87	59	67	78	363
ASSAULT CAUSING BODILY INJURY (SRMS)	69	51	49	65	62	296
TRESPASS - < 200 (SMMS)	42	28	28	69	78	245
CRIMINAL MISCHIEF 5TH DEGREE (SMMS)	43	47	23	37	38	188
POSSESSION OF A CONTROLLED SUBSTANCE (SRMS)	36	21	34	45	40	176
DISORDERLY CONDUCT - LOUD AND RAUCOUS NOISE (SMMS)	44	25	23	39	30	161
THEFT 4TH DEGREE (SRMS)	25	27	32	44	16	144
HARASS PUBLIC OFFICER/EMPL. (SMMS)	22	20	22	21	28	113
THEFT 2ND DEGREE (FELD)	19	22	20	28	23	112
BURGLARY 3RD DEGREE (FELD)	18	25	20	13	9	85
HARASSMENT / 1ST DEG. (AGMS)	13	11	8	15	23	70
ASSAULT USE/DISPLAY OF A WEAPON (AGMS)	19	12	8	13	17	69
THEFT 3RD DEGREE (AGMS)	11	14	4	12	19	60
HARASSMENT / 3RD DEG. (SMMS)	12	16	4	13	10	55
LOCAL ORDINANCE	8	4	1	22	20	55
ASSAULT ON PEACE OFFICERS & OTHERS (SRMS)	17	13	8	4	9	51
JCS - POSSESS/PURCH ALCOHOL BY PERSON UNDER 18	0	0	9	18	22	49
ALL OTHER ALLEGATIONS	191	156	236	215	240	1,038
Totals	1,133	1,035	927	1,133	1,187	5,415

Source: JDW

Attachment E (cont.) TOP 20 JCS Allegations Hispanics

Hispanics

	2008	2009	2010	2011	2012	TOTALS
THEFT 5TH DEGREE (SMMS)	47	58	54	48	62	269
ASSAULT (SMMS)	40	33	27	23	41	164
DISORDERLY CONDUCT - FIGHTING OR VIOLENT BEHAVIOR (SMMS)	42	21	26	30	22	141
POSSESSION OF A CONTROLLED SUBSTANCE (SRMS)	18	22	19	19	36	114
CRIMINAL MISCHIEF 5TH DEGREE (SMMS)	26	23	22	11	23	105
ASSAULT CAUSING BODILY INJURY (SRMS)	9	12	25	13	17	76
INTERFERENCE W/OFFICIAL ACTS (SMMS)	17	13	13	16	12	71
POSSESSION OF DRUG PARAPHERNALIA (SMMS)	9	9	8	20	20	66
TRESPASS - < 200 (SMMS)	4	4	13	14	7	42
LOCAL ORDINANCE	15	7	5	9	6	42
CONSUMPTION / INTOXICATION (SMMS)	14	5	9	3	7	38
THEFT 4TH DEGREE (SRMS)	11	7	7	7	4	36
BURGLARY 3RD DEGREE - UNOCCUPIED MOTOR VEHICLE (AGMS)	10	0	10	13	2	35
ASSAULT USE/DISPLAY OF A WEAPON (AGMS)	5	1	5	8	9	28
JCS - POSSESS/PURCH ALCOHOL BY PERSON UNDER 18	0	0	5	10	9	24
CONTROLLED SUBSTANCE VIOL. (FELD)	2	0	6	8	7	23
CARRYING WEAPONS (AGMS)	7	3	5	5	1	21
HARASS PUBLIC OFFICER/EMPL. (SMMS)	2	4	1	12	2	21
BURGLARY 3RD DEGREE (FELD)	9	4	5	2	0	20
RECKLESS USE FIRE/EXPLOSIVES (SRMS)	8	3	6	1	2	20
ALL OTHER ALLEGATIONS	91	75	49	90	85	390
Totals	386	304	320	362	374	1,746

Source: JDW

Attachment F

Research Regarding Police Stops

As noted in Section VI CJJP conducted a variety of research related to police stops. That research is summarized below.

- *“Stops occur in Black and Latino neighborhoods, and even after adjustments for other factors including crime rates, social conditions and allocation of police resources in those neighborhoods, race is the main factor determining New York Police Department stops.”*¹³
- *Relative to stopped whites, stopped blacks are 127% more likely and stopped Hispanics are 43% more likely to be frisked.”*¹⁴
- *“Even after relevant legal and extralegal factors are controlled, reports from young minority males indicate they are at the highest risk for citations, searches, arrests, and use of force during traffic stops. Yet, these drivers are not more likely to report carrying contraband, which, it has been suggested, is one of officers’ primary motivations for conducting disproportionate stops and searches of minority citizens.”*¹⁵

¹³ [Center for Constitutional Rights](#) - Report to United States District Court, Southern District of New York, Jeffrey Fagan, 2010.

¹⁴ [A Study of Racially Disparate Outcomes in the Los Angeles Police Department](#), Yale Law School, Townsend, 2008.

¹⁵ [Examining the Influence of Drivers’ Characteristics During Traffic Stops with Police: Results from a National Survey](#), University of Cincinnati, 2001.

Attachment G

Research Regarding Minority Distrust of Institutions

Observations are noted below from 1993 research by Michael Leiber, Ph.D. The research has been included in this report (despite the fact that it was released nearly 20 years ago) because it is one of the few studies that included interviews with Iowa juvenile justice system officials and delinquent youth. Some of the information CJJP staff heard in discussions in recent weeks with Polk County officials is remarkably similar to the findings in the Leiber study.

Leiber study comments regarding the juvenile justice system are below.

“Minorities, especially black families are believed to be more distrustful of the system than whites and their families. Black parents are believed to be less willing to hold youth accountable for their actions and/or encourage respect for authority. Parents are also seen as often failing to attend scheduled meetings with decision makers which may result in the for further court involvement. At the same time, minority youth are not seen as less likely to admit or cooperate. Interestingly, youth argue that juvenile court decision makers may act too quickly in wanting to remove them from what is perceived as an inadequate home environment.”¹⁶

Leiber study comments regarding schools are below.

“Both adults and youth suggested there may be problems in the school system. A lack of minority staff and willingness on school officials to suspend and place youth in behavioral disorder classes were cited as areas of concern. An increasing reliance on calling the police and on the juvenile court to solve problems was also raised.”⁵

Leiber study perceptions regarding the views of youth toward JCS staff.

“All the youth in each of the counties viewed probation officers in a positive light. Most indicated they had good relations with their officer.”⁵

Information regarding research relating to minority trust in child welfare arena is provided below.

- Child Welfare – *“The study found that (African-American) residents were aware of intense agency involvement in their neighborhood and identified profound effects on social relationships including interference with parental authority, damage to children’s ability to form social relationships, and distrust among neighbors. The study also discovered a tension between respondents’ identification of adverse consequences of concentrated state supervision for family and community relationships and neighborhood reliance on agency involvement for needed financial support.”¹⁷*

¹⁶ [The Disproportionate Overrepresentation of Minority Youth in Secure Facilities: A survey of Decision Makers and Delinquents](#), University of Northern Iowa, Leiber, 1993.

¹⁷ [The Racial Geography of Child Welfare: Toward a New Research Paradigm](#), Northwestern University Law School, Roberts, 2008.